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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,665	08/19/2003	Ross Zietlow	20943.00	3477
37833	7590	12/14/2005	EXAMINER	
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			FOX, CHARLES A	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,665

Applicant(s)

ZIETLOW ET AL.

Examiner

Charles A. Fox

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20030819</u> . | 6) <input type="checkbox"/> Other: ____. |

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings do not show how the support rods and pivots between the mast and plate (200) pivot and are also does not show how they are connected.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connection points for the support rods, reference numbers for the support rods must be shown or the feature(s) canceled from the claim(s). Also a figure showing the range of pivotal motion of the plate (200) is required, as the plate appears to pivot in two axis's a side view and a top view are required. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

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the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application.

Specification

The disclosure is objected to because of the following informalities: there is not disclosure as to how the support rods for the plate (200) work.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 6-8, 19 and 20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a pivotal attachment of the latch plate to the mast, does not reasonably provide enablement for the plurality of support rods. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to build the invention commensurate in scope with these claims. Regarding claims 6 and 19 the specification is silent as to what these claimed support rods might do. The drawings in Figure 11 have what the examiner believes are the support rods but they are not labeled. Also it appears the applicant is

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claiming element (242) as a pivotal joint, but it can not pivot based on the attachment points as shown in the drawing. First pivot (240) has a rod extending upwardly therefrom, with an attached gusset and a horizontal rod. The horizontal rod is attached to one side of plate (200) and a second pivot (242) appears to be attached to the gusset. The second pivot has a second horizontal rod extending therefrom which has a second attachment point to plate (200). As plate (200) has two separate attachment points for separate rods it can not pivot about a horizontal axis of one of the rods as claimed. As the true scope of this claim can not be determined at this time the claims are not being examined on the merits. The specification and drawings must be amended to clarify the relationship between the support rods and the plate (200).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott.

Scott US 3,357,581 teaches a boat trailer comprising:

a load bearing vehicle (16) capable of supporting a boat;

a linear track (42) having a forward and a rearward end;

a movement actuator (64) having two ends;

the load bearing vehicle having an upper surface for supporting a boat, and movable along said track between the forward and rearward ends;

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the ends of the movement actuator connected to the load bearing vehicle;

a crank (76) in contact with said movement actuator for moving the vehicle forwards and rearwards. While Scott does not teach the movement actuator as being attached to the front and the rear ends of the vehicle It would have been obvious to one of ordinary skill in the art, at the time of invention that the placement of the actuator ends are a clear design choice based upon the type of load bearing vehicle placed on the trailer and that moving the ends of the actuator relative the load bearing vehicle will not alter the operation of the device or change the expected results of turning the crank.

Claims 1,3,9,10,12,15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott in view of Murrill. Regarding claims 1 and 15 Scott teaches a boat trailer comprising:

a boat support having a front and a rear end;

a trailer hitch disposed on said front end of said boat support;

a plurality of trailer wheels disposed proximate the rear of said boat support;

a linear track (42) having a forward and a rearward end;

a movement actuator (64) having two ends;

a load bearing vehicle (16) capable of supporting a boat;

the load bearing vehicle having an upper surface for supporting a boat, and movable along said track between the forward and rearward ends;

the ends of the movement actuator connected to the load bearing vehicle;

a crank (76) in contact with said movement actuator for moving the vehicle forwards and rearwards. Scott does not teach the linear track as being in the center of the trailer. Murrill US 5,108,248 teaches a vehicle for carrying a boat comprising:

a center track ((86);

an actuator (11) disposed in said track;

a load bearing vehicle (70) for supporting a boat;

said actuator coupling to said load bearing vehicle to move a boat onto and off of said vehicle for carrying a boat. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Scott with a center track as taught by Murrill in order to align the actuator with the contact point between the trailer and the load bearing vehicle thereby keeping the boat aligned on the trailer.

Regarding claims 3 and 17 Scott further teaches that said crank is hand driven.

Regarding claims 9 and 10 Scott also teaches fastening the actuator to said load bearing vehicle, while they do not teach using bolts and plates as fasteners it would have been obvious to one of ordinary skill in the art, at the time of invention to use bolts and plates in order to make the actuator easily removable for service or replacement.

Regarding claim 12 Scott further teaches the load bearing vehicle as having wheels (58) that run along said track, said wheels having axles (60) and being spaced apart from one another.

Claims 2 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott and Murrill as applied to claims 1 and 15 above, and further in view of Sprague. Scott and Murrill teach the limitations of claims 1 and 15 as above, Scott further

teaches rollers 58 on said load bearing vehicle as well as a mast (96) fixedly secured to said load bearing vehicle. They do not teach the mast as being removable from the load bearing vehicle. Sprague US 4,623,161 teaches a boat trailer with a mast comprising:

- a mast receiver fixed to said trailer;

- a mast releasably secured within said receiver;

- a docking plate (16) disposed along the top of said mast;

- a latch on said docking plate for securing the bow ring of a boat to said docking plate;

- a latch release mechanism;

- a centering bar (18) for supporting the front of the boat being positioned on the trailer. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Scott with a mast as taught by Sprague in order to allow the mast to be adjusted to work with different sized watercraft.

Claims 4,5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scott and Murrill as applied to claims 3 and 17 above, and further in view of Moser. Scott and Murrill teach the limitations of claims 3 and 17 as above, Scott further teaches the actuator as having a drive sprocket and an idler sprocket for driving and guiding the actuator. They do not teach the actuator as being a timing belt. Moser US 4,518,303 teaches a mechanism for moving a load relative to the bed of a vehicle comprising:

- a plurality of drive sprockets;

- a plurality of idler sprockets;

a timing belt suited for running on said sprockets;

tensioning members (88) for moving the idler sprockets such that they maintain a desired tension in the timing belt. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Scott with a timing belt as taught by Moser in order to provide an actuator that is less likely to rust when exposed to the elements as well as providing some measure of protection for the underlying structure supporting the belt.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott and Murrill as applied to claim 1 above, and further in view of Kilby et al. Scott and Murrill teach the limitations of claim 1 as above, they do not teach scrapers for cleaning the track. Kilby et al. US 6,321,895 teaches a device with a chain running inside of a track, wherein the chain has scrapers attached in order to keep the track cleared of debris. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Scott with scrapers as taught by Kilby et al. in order to maintain the track and actuator in good working order.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Scott and Murrill as applied to claim 1 above, and further in view of Fahringer, Sr. et al. Scott and Murrill teach the limitations of claim 1 as above, they do not teach a roller at the rear of the trailer. Fahringer, Sr. et al. US 5,544,611 teaches a boat trailer with rollers mounted at the rear above the frame. It would have been obvious to one of ordinary skill in the art, at the time of invention to provide the device taught by Scott with rollers


as taught by Fahringer, Sr. et al. in order to protect the trailer and the boat from damaging one another as the boat is being loaded onto the trailer.

The prior art made of record and not relied upon, but considered pertinent to applicant's disclosure is: Starkey 1976, Borzym 1983, Parisi 1986, Higgins 1990, Kelley 2001, Ockels 2004, and Miller 2005.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles A. Fox whose telephone number is 571-272-6923. The examiner can normally be reached between 7:00-4:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached at 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 12-9-05
Charles A. Fox
Examiner
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